



## 95TH GENERAL ASSEMBLY

### State of Illinois

### 2007 and 2008

### SB0541

Introduced 2/8/2007, by Sen. Kwame Raoul

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-22.18	from Ch. 122, par. 10-22.18
105 ILCS 5/26-1	from Ch. 122, par. 26-1
105 ILCS 5/26-2	from Ch. 122, par. 26-2

Amends the School Code. Beginning with the 2007-2008 school year, lowers the compulsory school age from 7 years to 5 years; makes a related change. Beginning with the 2007-2008 school year, requires all school districts to establish kindergarten for the instruction of children who are 5 years of age or older. Adds any child attending a non-profit or for-profit child care center that provides kindergarten where children are taught the branches of education taught to children of corresponding age and grade in the public schools and where the instruction of the child in the branches of education is in the English language to the list of children who are not required to attend the public schools. Beginning with the 2007-2008 school year, provides for an exception to the compulsory school age provision for any child who has not reached the age of 7 years by September 1 and whose parent or guardian notifies the school district or school that he or she does not wish the child to attend school until the following school year because the child, in the opinion of the parent or guardian, is not mentally, physically, or emotionally prepared to attend school. Provides that in such cases, the child's attendance may be delayed for one school year. Effective immediately.

LRB095 10517 NHT 30733 b

FISCAL NOTE ACT  
MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The School Code is amended by changing Sections  
5 10-22.18, 26-1, and 26-2 as follows:

6 (105 ILCS 5/10-22.18) (from Ch. 122, par. 10-22.18)

7 Sec. 10-22.18. Kindergartens. To establish kindergartens  
8 for the instruction of children between the ages of 4 and 6  
9 years, if in their judgment the public interest requires it,  
10 and to pay the necessary expenses thereof out of the school  
11 funds of the district. Upon petition of at least 50 parents or  
12 guardians of children between the ages of 4 and 6, residing  
13 within any school district and within one mile of the public  
14 school where such kindergarten is proposed to be established,  
15 the board of directors shall, if funds are available, establish  
16 a kindergarten in connection with the public school designated  
17 in the petition and maintain it as long as the annual average  
18 daily attendance therein is not less than 15. The board may  
19 establish a kindergarten with half-day attendance or with  
20 full-day attendance. If the board establishes full-day  
21 kindergarten, it shall also establish half-day kindergarten.  
22 No one shall be employed to teach in a kindergarten who does  
23 not hold a certificate as provided by law.

1 Beginning with the 2007-2008 school year, each school  
2 district, including a school district organized under Article  
3 34, must establish kindergarten for the instruction of children  
4 who are 5 years of age or older.

5 (Source: P.A. 84-1308.)

6 (105 ILCS 5/26-1) (from Ch. 122, par. 26-1)

7 Sec. 26-1. Compulsory school age-Exemptions. Whoever has  
8 custody or control of any child (i) between the ages of 7 and  
9 17 years (unless the child has already graduated from high  
10 school) for school years before the 2007-2008 school year or  
11 (ii) between the ages of 5 and 17 years (unless the child has  
12 already graduated from high school) for school years after the  
13 2006-2007 school year shall cause such child to attend some  
14 public school in the district wherein the child resides the  
15 entire time it is in session during the regular school term,  
16 except as provided in Section 10-19.1, and during a required  
17 summer school program established under Section 10-22.33B;  
18 provided, that the following children shall not be required to  
19 attend the public schools:

20 1. Any child attending a private or a parochial school  
21 or a non-profit or for-profit child care center that  
22 provides kindergarten where children are taught the  
23 branches of education taught to children of corresponding  
24 age and grade in the public schools, and where the  
25 instruction of the child in the branches of education is in

1 the English language;

2 2. Any child who is physically or mentally unable to  
3 attend school, such disability being certified to the  
4 county or district truant officer by a competent physician  
5 licensed in Illinois to practice medicine and surgery in  
6 all its branches, an advanced practice nurse who has a  
7 written collaborative agreement with a collaborating  
8 physician that authorizes the advanced practice nurse to  
9 perform health examinations, a physician assistant who has  
10 been delegated the authority to perform health  
11 examinations by his or her supervising physician, or a  
12 Christian Science practitioner residing in this State and  
13 listed in the Christian Science Journal; or who is excused  
14 for temporary absence for cause by the principal or teacher  
15 of the school which the child attends; the exemptions in  
16 this paragraph (2) do not apply to any female who is  
17 pregnant or the mother of one or more children, except  
18 where a female is unable to attend school due to a  
19 complication arising from her pregnancy and the existence  
20 of such complication is certified to the county or district  
21 truant officer by a competent physician;

22 3. Any child necessarily and lawfully employed  
23 according to the provisions of the law regulating child  
24 labor may be excused from attendance at school by the  
25 county superintendent of schools or the superintendent of  
26 the public school which the child should be attending, on

1 certification of the facts by and the recommendation of the  
2 school board of the public school district in which the  
3 child resides. In districts having part time continuation  
4 schools, children so excused shall attend such schools at  
5 least 8 hours each week;

6 4. Any child over 12 and under 14 years of age while in  
7 attendance at confirmation classes;

8 5. Any child absent from a public school on a  
9 particular day or days or at a particular time of day for  
10 the reason that he is unable to attend classes or to  
11 participate in any examination, study or work requirements  
12 on a particular day or days or at a particular time of day,  
13 because the tenets of his religion forbid secular activity  
14 on a particular day or days or at a particular time of day.  
15 Each school board shall prescribe rules and regulations  
16 relative to absences for religious holidays including, but  
17 not limited to, a list of religious holidays on which it  
18 shall be mandatory to excuse a child; but nothing in this  
19 paragraph 5 shall be construed to limit the right of any  
20 school board, at its discretion, to excuse an absence on  
21 any other day by reason of the observance of a religious  
22 holiday. A school board may require the parent or guardian  
23 of a child who is to be excused from attending school due  
24 to the observance of a religious holiday to give notice,  
25 not exceeding 5 days, of the child's absence to the school  
26 principal or other school personnel. Any child excused from

1 attending school under this paragraph 5 shall not be  
2 required to submit a written excuse for such absence after  
3 returning to school; and

4 6. Any child 16 years of age or older who (i) submits  
5 to a school district evidence of necessary and lawful  
6 employment pursuant to paragraph 3 of this Section and (ii)  
7 is enrolled in a graduation incentives program pursuant to  
8 Section 26-16 of this Code or an alternative learning  
9 opportunities program established pursuant to Article 13B  
10 of this Code.

11 7. Beginning with the 2007-2008 school year, any child  
12 who has not reached the age of 7 years by September 1 and  
13 whose parent or guardian notifies the school district or  
14 the school at which the child would be enrolled that he or  
15 she does not wish the child to attend school until the  
16 following school year because the child, in the opinion of  
17 the parent or guardian, is not mentally, physically, or  
18 emotionally prepared to attend school. In such cases, the  
19 child's attendance may be delayed for one school year.

20 (Source: P.A. 93-858, eff. 1-1-05; 94-350, eff. 7-28-05.)

21 (105 ILCS 5/26-2) (from Ch. 122, par. 26-2)

22 Sec. 26-2. Enrolled pupils not of compulsory school age  
23 ~~below 7 or over 17.~~

24 (a) For school years before the 2007-2008 school year, any  
25 ~~Any~~ person having custody or control of a child who is below

1 the age of 7 years or is 17 years of age or above and who is  
2 enrolled in any of grades 1 through 12 in the public school  
3 shall cause him to attend the public school in the district  
4 wherein he resides when it is in session during the regular  
5 school term, unless he is excused under paragraph 2, 3, 4, 5,  
6 or 6 of Section 26-1. For school years after the 2006-2007  
7 school year, any person having custody or control of a child  
8 who is below the age of 5 years or is 17 years of age or above  
9 and who is enrolled in any of grades kindergarten through 12 in  
10 the public school shall cause the child to attend the public  
11 school in the district wherein he or she resides when it is in  
12 session during the regular school term, unless the child is  
13 excused under paragraph 2, 3, 4, 5, 6, or 7 of Section 26-1 of  
14 this Code.

15 (b) A school district shall deny reenrollment in its  
16 secondary schools to any child 19 years of age or above who has  
17 dropped out of school and who could not, because of age and  
18 lack of credits, attend classes during the normal school year  
19 and graduate before his or her twenty-first birthday. A  
20 district may, however, enroll the child in a graduation  
21 incentives program under Section 26-16 of this Code or an  
22 alternative learning opportunities program established under  
23 Article 13B. No child shall be denied reenrollment for the  
24 above reasons unless the school district first offers the child  
25 due process as required in cases of expulsion under Section  
26 10-22.6. If a child is denied reenrollment after being provided

1 with due process, the school district must provide counseling  
2 to that child and must direct that child to alternative  
3 educational programs, including adult education programs, that  
4 lead to graduation or receipt of a GED diploma.

5 (c) A school or school district may deny enrollment to a  
6 student 17 years of age or older for one semester for failure  
7 to meet minimum academic standards if all of the following  
8 conditions are met:

9 (1) The student achieved a grade point average of less  
10 than "D" (or its equivalent) in the semester immediately  
11 prior to the current semester.

12 (2) The student and the student's parent or guardian  
13 are given written notice warning that the student is  
14 failing academically and is subject to denial from  
15 enrollment for one semester unless a "D" average (or its  
16 equivalent) or better is attained in the current semester.

17 (3) The parent or guardian is provided with the right  
18 to appeal the notice, as determined by the State Board of  
19 Education in accordance with due process.

20 (4) The student is provided with an academic  
21 improvement plan and academic remediation services.

22 (5) The student fails to achieve a "D" average (or its  
23 equivalent) or better in the current semester.

24 A school or school district may deny enrollment to a  
25 student 17 years of age or older for one semester for failure  
26 to meet minimum attendance standards if all of the following

1 conditions are met:

2 (1) The student was absent without valid cause for 20%  
3 or more of the attendance days in the semester immediately  
4 prior to the current semester.

5 (2) The student and the student's parent or guardian  
6 are given written notice warning that the student is  
7 subject to denial from enrollment for one semester unless  
8 the student is absent without valid cause less than 20% of  
9 the attendance days in the current semester.

10 (3) The student's parent or guardian is provided with  
11 the right to appeal the notice, as determined by the State  
12 Board of Education in accordance with due process.

13 (4) The student is provided with attendance  
14 remediation services, including without limitation  
15 assessment, counseling, and support services.

16 (5) The student is absent without valid cause for 20%  
17 or more of the attendance days in the current semester.

18 A school or school district may not deny enrollment to a  
19 student (or reenrollment to a dropout) who is at least 17 years  
20 of age or older but below 19 years for more than one  
21 consecutive semester for failure to meet academic or attendance  
22 standards.

23 (d) No child may be denied enrollment or reenrollment under  
24 this Section in violation of the Individuals with Disabilities  
25 Education Act or the Americans with Disabilities Act.

26 (e) In this subsection (e), "reenrolled student" means a

1 dropout who has reenrolled full-time in a public school. Each  
2 school district shall identify, track, and report on the  
3 educational progress and outcomes of reenrolled students as a  
4 subset of the district's required reporting on all enrollments.  
5 A reenrolled student who again drops out must not be counted  
6 again against a district's dropout rate performance measure.  
7 The State Board of Education shall set performance standards  
8 for programs serving reenrolled students.

9 (f) The State Board of Education shall adopt any rules  
10 necessary to implement the changes to this Section made by  
11 Public Act 93-803.

12 (Source: P.A. 92-42, eff. 1-1-02; 93-803, eff. 7-23-04; 93-858,  
13 eff. 1-1-05; 93-1079, eff. 1-21-05.)

14 Section 99. Effective date. This Act takes effect upon  
15 becoming law.